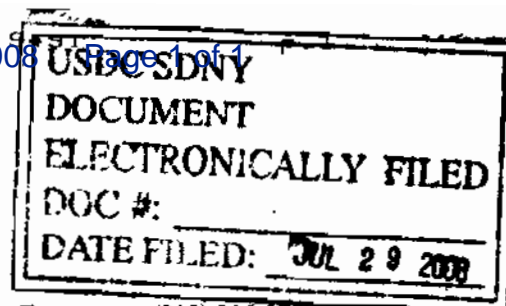


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July 28, 2008

BY FACSIMILE

Hon. George B. Daniels
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Capak v. LaSalle*, Case No. 08 CV 3165 (GBD)

SO ORDERED

George B. Daniels
HON. GEORGE B. DANIELS

JUL 29 2008

Your Honor:

This office represents the plaintiff R.J. Capak in the above referenced lawsuit. I am requesting an adjournment of the Initial Scheduling Conference set for July 29, 2008.

I have spoken with your Clerk and have been in e-mail contact with Marcos Vigil, Esq., attorney for Ms. LaSalle. All have agreed upon August 20, 2008 at 9:30 A.M. as the adjourn date. As of today, defendant SONY BMG has not joined issue. There was one prior request for an adjournment that was granted since issue had not yet been joined in this case.

Should Your Honor grant this request, I will inform the defendants' counsel.

Thank you for your attention to his matter.

Respectfully submitted,

Nicholas A. Penkovsky
Nicholas A. Penkovsky

cc: Marcos Vigil, Esq. (By e-mail)